

Serial No.: 10/619,677

Art Unit: 3761

REMARKS/ARGUMENTS

Claims 22 through 27 are pending in this application.

Claims 22 through 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. D250,663 to Koch et al. (hereinafter "Koch").

Claim 22 provides a barrel for use with a tampon applicator assembly including an insertion tip having a plurality of petals, a main section, and a finger grip having a first region, a gripping region, and a second region. The first region intersects with the main section at a first plane having a first outer dimension, the gripping region intersects with the first region and has a second outer dimension, and the second region intersects with the gripping region and has a third outer dimension. The first outer dimension is larger than the second outer dimension and the third outer dimension is larger than the second outer dimension. The first outer dimension defines a maximum outer dimension of the barrel.

Koch provides a tampon applicator with a barrel, a finger grip, and a plunger.

Koch does not disclose or suggest that the gripping region intersect with the first region and the second region intersects with the gripping region, as recited by claim 22.

The Office Action asserts that the first region 4 of Koch intersects with the main section 16 at a first plane having a first outer dimension A, the gripping region 15 intersects the first region and has a second outer dimension B, the second region 8 intersects the gripping region 15 and has a third outer dimension C. The Applicants respectfully disagree. The reference numeral 8 references the free end of the gripping region. Moreover, the Office Action defines the second region as the area referenced by reference numeral 14. The second region 14 of Koch is intermediate the first region 4 and the gripping region 15. Thus, as shown in the figure in the Office Action, the gripping region 15 intersects with the second region 14 at reference numeral B, rather

Serial No.: 10/619,677

Art Unit: 3761

than the first region intersecting with the main section at a first plane having a first outer dimension, the gripping region intersecting with the first region and having a second outer dimension, and the second region intersecting with the gripping region and having a third outer dimension as recited in claim 22.

Furthermore, the Office Action asserts that the first dimension is larger than the second outer dimension and the third outer dimension is larger than the second outer dimension, and a reverse taper section 14 is adjacent the finger grip section in the direction of the insertion end 1 of the barrel. Applicants respectfully disagree. As the Office Action has defined the first, second, and third outer dimensions, the gripping region 15 intersects with the second region 14 at reference numeral B that has a smaller outer dimension than the first outer dimension A where the first region 4 intersects with the main section 16, as shown in the figure in the Office Action. Moreover, reverse taper section 14 is located on the gripping section, as shown in the figure in the Office Action. Therefore, Koch does not disclose or suggest that the first region intersect with the main section at a first plane having a first outer dimension, that the gripping region intersects with the first region and has a second outer dimension, that the second region intersects with the gripping region and has a third outer dimension, and that the first outer dimension is larger than the second outer dimension and the third outer dimension is larger than the second outer dimension, as recited by claim 22.

Applicants submit that for the reasons described above, claim 22, as well as claims 23 and 24, which depend therefrom, are patentably distinguishable over Koch.

Claim 24 includes all of the elements of claim 22, and further includes that the third outer dimension be equal to the first outer dimension.

The finger grip of Koch has a first region intersecting with the barrel and a gripping region intersecting with the first region and having a free end opposite the barrel. Koch does not disclose or suggest that the third outer dimension be equal to the

Serial No.: 10/619,677

Art Unit: 3761

first outer dimension, as recited in claim 24.

The Action asserts the third outer dimension C is equal to the first outer dimension A. Applicant respectfully disagrees. As shown in the figure in the Action, dimension C appears to be smaller than dimension A. Moreover, "it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue." See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000). The Koch specification is completely silent on the dimensions of A and C.

Therefore, Koch does not disclose or suggest that the third outer dimension be equal to the first outer dimension, as recited in claim 24.

It is respectfully submitted that claim 22 and claims 23 and 24 depending therefrom, are patentably distinguishable over Koch. Accordingly, reconsideration and withdrawal of the §102(b) rejection are requested.

Claims 25 through 27 stand rejected under 35 U.S.C. §103(a) as being obvious over Koch.

Claims 25 and 26 include all of the elements of claim 22, and further include that the main section have a taper ratio of about 1.07 to about 1.15 and that the insertion tip have a taper ratio of more than about 0.66, respectively.

Koch does not disclose or suggest that the main section have a taper ratio of about 1.07 to about 1.15 and that the insertion tip has a taper ratio of more than about 0.66, as recited in claims 25 through 26, respectively. The Action concedes Koch does not disclose a taper ratio. Again, the patent drawings of Koch may not be relied on to show particular sizes if the specification is completely silent on the issue. Koch is completely silent on taper ratio.

Serial No.: 10/619,677

Art Unit: 3761

Therefore, Koch does not disclose or suggest that the main section have a taper ratio of about 1.07 to about 1.15 or that the insertion tip have a taper ratio of more than about 0.66, as recited in claims 25 and 26, respectively.

Claim 27 includes all of the elements of claim 22, and further includes that the plurality of petals have a petal length-to-width ratio of about 2 to about 3.

Koch does not disclose or suggest that the plurality of petals have a petal length-to-width ratio of about 2 to about 3, as recited by claim 27. The Action concedes Koch does not disclose the petal length-to-width ratio. Again, "it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue." The Koch specification is completely silent on the petal length-to-width ratio.

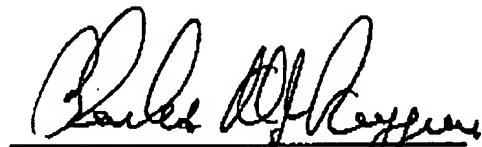
Therefore, Koch does not disclose or suggest that the plurality of petals have a petal length-to-width ratio of about 2 to about 3, as recited in claim 27.

It is respectfully submitted that claims 25 through 27 are patentably distinguishable over Koch. Accordingly, reconsideration and withdrawal of the §103(a) rejection are requested.

Serial No.: 10/619,677

Art Unit: 3761

In view of the foregoing, applicants respectfully submit that all claims present in this application patentably distinguish over the cited prior art reference. Accordingly, applicants respectfully request favorable reconsideration and withdrawal of the rejections of the claims. Also, applicants respectfully request that this application be passed to allowance.

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